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Insult to Intelligence

RECENT THREATS TO AMERICANS by a clandestine organization are causing several U.S. companies to re-evaluate the safety of their operations. In the context of current terrorist activities, the premise is a familiar one, but the participants are not. The potential victims are all members of the press, editors and publishers of The Washington Post, The Washington Times, The New York Times, Time, and Newsweek. The source of the intimidation is William J. Casey, director of the Central Intelligence Agency, who recently summoned Post executive editor Benjamin C. Bradlee, among other editors, to express displeasure over news coverage of intelligence operations.

The Post had reported on U.S. intelligence-gathering that had picked up messages passed between Tripoli and Libyan diplomatic offices in East Berlin. The communications have been linked to the April 5 bombing of a West Berlin discotheque that killed two people and injured 230. The fact that the United States intercepts coded communications from the Libyans is one measure of its intelligence capability. The fact that it can decipher such messages is still another, although it takes far less intelligence to figure out that one capability without the other would be useless. In fact, President Reagan had already gone public with much of the story in an effort to pin the attack on Tripoli and to justify retaliation against Libya.

Mr. Casey felt, however, that a retaliatory strike against the news organizations that had pursued the obvious follow-up stories was also justified by a little-known and little-regarded statute, Section 798 of Title 18 of the U.S. Code, dating back to 1950. The law provides for up to 10 years imprisonment and $10,000 in fines for anyone who publishes classified information about codes or communications intelligence activities.

The argument about what constitutes compromise of modern intelligence-gathering methods is at least as old as the Cuban missile crisis when then-Ambassador Adlai E. Stevenson unveiled never-before-seen high-altitude photos before the United Nations in order to sway world opinion. President Reagan's allusion to the Libyan messages follows in much the same vein. When our leaders decide that a higher political purpose or the public good is served by sharing closely held information, the intelligence-gathering community can usually be relied upon to keep its accustomed silence.

That Mr. Casey should vent his frustrations on the press after the president has let the cat out of the bag seems peevish rather than practical. He should be reminded of the higher political good served by a much older and less obscure statute, the First Amendment to the Constitution, which protects freedom of the press.

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